

REMARKS/ARGUMENTS

Claims 1, 3-6, 8-10, 12-15 and 17-20 are pending in the application, as claims 2, 7, 11 and 16 have been canceled without prejudice. In the Office Action, claims 1, 5 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,722,070 to Alford (Alford) in view of U.S. Patent Application Publication No. 2004/0127263 to Vegh (Vegh).

Independent claim 1 has been amended to clarify that the pre-programmed message is transmitted in response to a user activating a push-to-talk (PTT) button of the second radio. Independent claims 10 and 15 have been similarly amended. Support for the amendment can be found on page 6, lines 17-19 of the application. No new matter has been added.

Applicant submits that Vegh does not teach such a limitation, as the replies in that reference are only automatically transmitted when the user of the recipient mobile unit cannot respond to a call (see paragraph 0022). Moreover, Alford does not describe the process of sending pre-programmed messages in response to the activation of a PTT button. Additionally, both references teach away from the combination proposed by the Examiner. In particular, Vegh describes the process of sending messages only when the user is unavailable to respond to calls, such as where the user is participating in a social event where operating a mobile unit is not permitted (see paragraphs 0022 and 0029). Alford, meanwhile, expressly discourages dispatch communications outside a single cell of a communication network (see col. 2, lines 40-45). Sending smart replies, as currently claimed, would have to be performed over different networks or over different cells of the same network in many instances, a

feature that contradicts Alford's emphasis on maintaining the simplicity of dispatch communications.

In view of the above, Applicant believes that the above claims are patentable over the prior art. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any requisite fees, or credit any overpayment, to Motorola, Inc., Deposit Account No. 502117.

Respectfully submitted,

Date: September 11, 2007

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